

C.C.R.B CASE CLOSING FORM

Investigator assigned: Rebecca Brown		Team: 8	CCRB#: 9904094	<input type="checkbox"/> Force <input checked="" type="checkbox"/> Discourtesy <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Date of incident: 9/7/99	Time of incident: 5:30 PM	Location of incident: § 87(2)(b)	Pct. of occurrence: 52	Date S.O.L. Expires: 3/7/01
Date reported: 9/7/99	Time reported: 7:48 PM	To whom/where/how reported: Complaint made in person to the 52nd precinct		
Complainant: § 87(2)(b) § 87(2)(b)		Home address: § 87(2)(b)		
Victim(s): same		Home address:		
Witness(es): § 87(2)(b) § 87(2)(b)		Home address: § 87(2)(b)		
Subject officer(s) (include rank): PO Brian Mullen PO Robert Spies		Shield: 23919 24319	Tax: 906885 907382	Command: 52 52
Witness officer(s) (include rank):		Shield:	Tax:	Command:
Allegation(s) by letter: A) Discourtesy: PO Robert Spies spoke rudely to § 87(2)(b) § 87(2)(b) B) Discourtesy: PO Brian Mullen spoke rudely to § 87(2)(b) § 87(2)(b) C) Abuse of Authority: PO Brian Mullen refused to provide his badge number to § 87(2)(b) § 87(2)(b)				Recommendation(s): § 87(2)(g)

Synopsis

§ 87(2) § 87(2)(b) § 87(2)(b) the complainant, stated that on September 7, 1999, at approximately 5:30 p.m., Police Officers Brian Mullen and Robert Spies came to her home in response to a 911 call about a neighbor dispute involving her and her neighbors. It is alleged that both PO Mullen and PO Spies were discourteous to her. It is also alleged that PO Mullen refused to provide § 87(2)(b) § 87(2)(b) with his badge number. § 87(2)(g)

ENCL. 1a

Summary of Complaint

§ 87(2)(b) § 87(2)(b) § 87(2)(b) the complainant, stated that on September 7, 1999, at approximately 5:30 p.m., she had an altercation with her upstairs neighbors. The § 87(2)(b) § 87(2)(b) § 87(2)(b) stated that they were fighting because The § 87(2)(b) continuously leave the common door of their building open. On this particular day, § 87(2)(b) and § 87(2)(b) began pushing each other. § 87(2)(b) § 87(2)(b) admits that she placed § 87(2)(b) § 87(2)(b) in a headlock and punched her. § 87(2)(b) § 87(2)(b) stated that she and her neighbors have had a number of disputes necessitating police intervention. On this particular day, after she called 911, the officers arrived at her home, which is the bottom floor of a small apartment building. When the officers arrived, The § 87(2)(b) came downstairs and the shouting between § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) continued. The two officers were identified as PO Brian Mullen and PO Robert Spies. One of the officers then stated, "Where do you live?" § 87(2)(b) § 87(2)(b) indicated that she lived in the § 87(2)(b) apartment. The officers then told her to go into her apartment and wait for them there. The two officers then went upstairs to The § 87(2)(b) apartment to speak with them. After fifteen to twenty minutes, § 87(2)(b) § 87(2)(b) looked outside the window and noticed that the RMP was gone from the street. She stated that the officers never came to her apartment to speak with her.

§ 87(2)(b) § 87(2)(b) angered that the officers did not hear her account of the incident, called the 52nd precinct stationhouse. Minutes later, the same two officers arrived in addition to a second marked police car. § 87(2)(b) § 87(2)(b) went down to the street to see the officers and indicated that she wished to speak with the officers in the second car that had come. PO Spies then told § 87(2)(b) § 87(2)(b) that she was not allowed to speak with the officers in the second vehicle. § 87(2)(b) § 87(2)(b) who was accompanied by her daughter, § 87(2)(b) § 87(2)(b) asked the officers why they did not come to speak to her. PO Spies responded by asking § 87(2)(b) § 87(2)(b) "Well what's wrong?" § 87(2)(b) § 87(2)(b) replied, "Well we were the ones who called you. You never came down to us." PO Spies then stated to § 87(2)(b) § 87(2)(b) "Why don't you stand behind the car and let me speak to your daughter?" § 87(2)(b) § 87(2)(b) complied and stood behind the police car. § 87(2)(b) § 87(2)(b) the complainant's daughter, who also provided testimony in connection with this incident, also indicated that PO Spies stated to § 87(2)(b) § 87(2)(b) "You need to calm down and keep your mouth shut." (Allegation A)

At this point, PO Mullen exited the police vehicle and yelled, "You guys have got to learn to live together. We have been called here three times already." § 87(2)(b) § 87(2)(b) then stated, "Can you please lower your voice and talk to me normally? I'm not a child." PO Mullen responded, "I can talk to you any way I please." (Allegation B) As he walked back to the police vehicle, § 87(2)(b) § 87(2)(b) asked him to provide her with his name. He responded, "Officer Mullen." PO Mullen then entered the police vehicle and turned his body sideways, facing PO Spies. § 87(2)(b) § 87(2)(b) then asked PO Mullen for his badge number. He responded, "It's right here." § 87(2)(b) § 87(2)(b) stated, "I'm sorry, but I can't see it. You're turned and besides that, I'm diabetic and I can't see that far." PO Mullen responded, "Well that's your problem." (Allegation B) The officers then drove away without providing § 87(2)(b) § 87(2)(b) with PO Mullen's badge number. (Allegation C)

Results of Investigation

§ 87(2)(b), § 87(2)(g) § 87(2)(b) § 87(2)(b) the only civilian interviewed in connection with this incident was § 87(2)(b) § 87(2)(b) the daughter of the complainant. She stated that on the date of occurrence, she and her mother were engaged in a physical dispute with their upstairs neighbors, The § 87(2)(b) Because § 87(2)(b) § 87(2)(b) threatened § 87(2)(b) § 87(2)(b) verbally, she called 911 and asked that a car be sent over. The § 87(2)(b) also indicated that they had called 911. After approximately twenty minutes, a police car arrived with two officers. Both The § 87(2)(b) and The § 87(2)(b) came downstairs to see the officers, who instructed both families to return to their respective apartments. The officers stated that they would

first speak with The § 87(2)(b) upstairs and then come downstairs to speak with The § 87(2)(b). The officers then went upstairs and The § 87(2)(b) returned to their apartment. Approximately fifteen minutes later, § 87(2)(b) § 87(2)(b) looked out the window and noticed that the police vehicle had left the scene. § 87(2)(b) § 87(2)(b) upset that the officers left the scene without getting a statement from her, then called the 52nd precinct and asked that they send over another car so that they could give a statement.

Approximately fifteen minutes later, a police vehicle arrived at their home, containing the same two officers who had been there before. The § 87(2)(b) were waiting at the top of two flights of stairs which leads to the street outside of the building. The driver of the police car then motioned for them to come downstairs to the street to speak to them as they remained in their car. The § 87(2)(b) then walked down the stairs and approached the driver's side window. At this time, a second police car arrived at the scene, but at no point did The § 87(2)(b) interact with the occupants of the second police car. § 87(2)(b) § 87(2)(b) then stated to the driver of the car, "You said you were gonna come downstairs and get a statement and you never did." PO Spies responded, "You need to calm down and keep your mouth shut." § 87(2)(b) § 87(2)(b) then stated, "Well, I'm gonna go talk to the other squad car." PO Mullen responded, "No- you need to talk to us." The other police vehicle then left the scene.

§ 87(2)(b) § 87(2)(b) began yelling and continued to complain that the officers had not gotten a statement from her. PO Spies then stated, "I don't want to talk to you right now. You need to go stand at the back of the car by the trunk. I'll talk to your daughter." § 87(2)(b) § 87(2)(b) was quite upset, but complied. PO Spies then asked § 87(2)(b) § 87(2)(b) "Why is your mother acting like that? Is she on some type of drugs or something?" § 87(2)(b) § 87(2)(b) responded, "Yes. She is on insulin. She takes high blood pressure medicine. She has all that stuff." PO Mullen then exited the police vehicle and approached § 87(2)(b) § 87(2)(b) who was standing at the back of the police vehicle. PO Mullen yelled at § 87(2)(b) § 87(2)(b) "You need to get along with these people. We came to this house three times already." § 87(2)(b) § 87(2)(b) indicated that he also stated, "goddamn it." PO Mullen then got back into the police vehicle. § 87(2)(b) § 87(2)(b) then approached him and asked him for his name and his badge number. The officer responded, "It's on my shield," and pointed to the badge on his shirt. § 87(2)(b) § 87(2)(b) then stated, "Well I can't see it." PO Mullen responded, "It's not my fault if you can't see it." § 87(2)(b) § 87(2)(b) then asked the officer to shift his body so that she could see his badge number and he stated, "no." When § 87(2)(b) § 87(2)(b) asked the officer for his name, he replied, "Mullen." § 87(2)(b) § 87(2)(b) stated that PO Spies had shifted his body in such a way that it obscured his shield. § 87(2)(b) § 87(2)(b) stated, however, that neither she nor her mother asked the officer for his name and badge number. PO Spies added, "We're not coming here no more."

PO Mullen stated that on the date of occurrence, he and his partner, PO Spies, responded to this location after receiving a radio call of an assault. When they responded to the scene, both parties were upset with each other. § 87(2)(b) § 87(2)(b) complained to PO Mullen that her upstairs neighbors run through the yard and "make a lot of noise." § 87(2)(b) § 87(2)(b) complained about § 87(2)(b) § 87(2)(b) dog. PO Mullen stated that he does not recall either party complaining about a physical dispute. He stated that he had never been to this location before and had not heard any other members of service speak about any incidents at this location in the past. PO Mullen stated that he and his partner did not separate at any point, but dealt with both parties as a team. They first spoke with § 87(2)(b) § 87(2)(b) who complained of "having a problem with her neighbors- I recall her saying that the upstairs kids keep running up and down the stairs and in front of the house annoying her and yelling at her." At this point, The § 87(2)(b) came downstairs and members of both parties began to talk at once. PO Mullen and his partner then instructed the § 87(2)(b) to come onto the porch and he and PO Spies told them that they could either go to civil court or speak to their landlord to see if there was something that he could do. The § 87(2)(b) were informed of the same thing before the officers went to speak with The § 87(2)(b) on the porch. At no point were The § 87(2)(b) instructed to go inside of their apartment, but they do so on their own after being told that either they could go to civil court or speak with the landlord.

When they were called to the scene for a second time, PO Mullen stated that his was the only

RMP to respond to the scene. He stated that there was no second RMP. He stated that there was no point in time in which § 87(2)(b) § 87(2)(b) was instructed to stand behind the RMP. He stated that § 87(2)(b) § 87(2)(b) "did get angry- she wanted my name. I just gave it to her. She was just yelling." PO Mullen stated that he did exit the RMP, but at no point did he raise his voice. He denied having stated, "I can talk to you any way I please." When asked if it was clear to him why § 87(2)(b) § 87(2)(b) wanted his name, PO Mullen stated, "She was talking to me at the time and she just wasn't happy with that we told her that she had to go to court. She just expected that we could do more for her and I told her that we couldn't." When asked if § 87(2)(b) § 87(2)(b) asked for his badge number at any point, PO Mullen stated, "I don't recall. I think she asked for my name." PO Mullen does not recall § 87(2)(b) § 87(2)(b) indicating that she was diabetic. He does not recall either § 87(2)(b) or § 87(2)(b) referencing the fact that § 87(2)(b) § 87(2)(b) was sickly. PO Mullen denies having stated to § 87(2)(b) § 87(2)(b) "Well that's your problem," after § 87(2)(b) § 87(2)(b) indicated to him that she could not see his badge number. He stated that there was no discussion about § 87(2)(b) § 87(2)(b) not being able to see a shield number. He denies § 87(2)(b) § 87(2)(b) assertion that PO Spies told her to keep her mouth shut. PO Mullen stated that there was no point in time in which either he or his partner raised their voices at § 87(2)(b) § 87(2)(b).

PO Spies stated that when they originally responded to the scene, he spoke with The § 87(2)(b) § 87(2)(b). He stated that he could not comment upon which party his partner spoke to, but stated that he and his partner did not separate at any point. He stated that the dispute appeared to be about noise or about a dog. He stated that he does not recall anyone complaining about a physical fight or an assault which might have taken place. PO Spies stated that he has never responded to an incident there in the past nor had he heard about any past incidents from any other members of service. The first time that they were at the scene, PO Spies does not know if they spoke with The § 87(2)(b) § 87(2)(b) and does not know if his partner spoke with them- "we had spoken to the Spanish party first and we believed that the Spanish party was the party that had called us to the scene and they [The § 87(2)(b) § 87(2)(b)] went into their apartment. I'm not sure but I think that Officer Mullen did knock on their door to try to get them to return to the scene." PO Spies stated that the parties were asked to separate at one point and The § 87(2)(b) § 87(2)(b) returned to their apartment. He stated that the parties were referred to civil court.

PO Spies denied § 87(2)(b) § 87(2)(b) assertion that they were called back to the scene because the officers did not hear her side of the story when they first responded. He stated that she wished to speak with the officers about noise or an unleashed dog. PO Spies stated that there was no point in time in which § 87(2)(b) § 87(2)(b) was instructed to stand behind the RMP so that officers could speak with § 87(2)(b) § 87(2)(b). According to PO Spies, § 87(2)(b) § 87(2)(b) appeared to be upset about her problems with her neighbors. PO Spies stated that both he and PO Mullen exited their RMP the second time they responded to the scene. When asked if there was a point in time in which § 87(2)(b) § 87(2)(b) asked for shield numbers, PO Spies stated, "I don't know if she looked at them or asked for them." He stated that if she did ask for badge numbers, they were provided to her. When asked why § 87(2)(b) § 87(2)(b) was upset, PO Spies stated, "She was upset that we didn't get to talk to her the first time." When asked if any statements were made about § 87(2)(b) § 87(2)(b) being ill, PO Spies stated, "I know she was sickly but that's about it." When asked how he knew this, PO Spies stated, "She might have referred to something." PO Spies stated that neither he nor his partner stated, in reference to § 87(2)(b) § 87(2)(b) claim that she could not see the badge numbers, "Well that's your problem." He stated that there was no discussion referencing § 87(2)(b) § 87(2)(b) inability to read badge numbers. PO Spies stated that he believes that this complaint was spurred by § 87(2)(b) § 87(2)(b) anger at the fact that she was referred to civil court.

According to the Civilian Complaint Report (enclosures 2a-b) filed by § 87(2)(b) § 87(2)(b) at the 52nd precinct stationhouse, the subject officer, PO Mullen, would not get out of the car to "take the report." The report also indicates that he yelled at her "at the top of his lungs" and refused to give her his badge number. She added that he left the scene for the first time without listening to her side of the story and he used "vulgar and foul" language.

According to the Sprint Printout (enclosures 9a-b), § 87(2)(b) § 87(2)(b) told the 911 operator that the

police had come to the location and left without speaking to her. The Printout also indicates that § 87(2)(b) § 87(2)(b) § 87(2)(b) claims to have been hit by a female Hispanic, presumably § 87(2)(b) § 87(2)(b)

Conclusions and Recommendations

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) § 87(2)(b) for example, stated that the officers instructed only she and her daughter to return to their apartment when they initially responded to the incident. § 87(2)(b) § 87(2)(b) stated that the officers instructed both parties to return to their apartments. The officers stated that the spoke with The § 87(2)(b) on the front porch of the apartment building. § 87(2)(b) § 87(2)(b) stated that PO Spies told her mother to keep her mouth shut, while § 87(2)(b) § 87(2)(b) made no mention of discourteous remarks on the part of PO Spies. § 87(2)(b) § 87(2)(b) stated that PO Mullen shouted, "Goddamn it" at one point during the incident, while § 87(2)(b) § 87(2)(b) made no mention of this claim. § 87(2)(b) § 87(2)(b) stated that PO Mullen stated to her, "I can talk to you any way I please," while § 87(2)(b) § 87(2)(b) made no mention of this. § 87(2)(g)

PO Spies, in the course of the same CCRB interview, stated alternately that he did not recall if he spoke to The § 87(2)(b) the first time he arrived at the scene and that § 87(2)(b) § 87(2)(b) was upset because they did not speak with them at the scene. PO Spies also stated that he "thinks" PO Mullen knocked on The § 87(2)(b) door, yet PO Mullen made no mention of this. PO Spies stated that he knew that § 87(2)(b) § 87(2)(b) was "sickly" but PO Mullen claimed to have had no knowledge of this fact. § 87(2)(b), § 87(2)(g)

Investigator: Rebecca Brown Date: 4/17/00

Supervisor: _____ Date: _____

Reviewed by: _____ Date: _____

Reviewed by: _____ Date: _____